

JUN 25 2007

Application No.: 10/622,211

Docket No.: MWS-055

REMARKS

In response to the Advisory Action dated June 13, 2007, Applicants present claim amendments applied to the last set of entered claims on December 5, 2006, as indicated by the Examiner in § 4(e) of the Advisory Action.

Claims 1-38 were presented for examination. Upon entry of this paper, claims 1-3, 19-21 and 33-38 are cancelled without prejudice or disclaimer. Applicants reserve the right to pursue these canceled claims in a continuation and are canceling them to expedite prosecution of the present application. Claims 4, 7, 12, 15, 17, 18 and 22-32 are amended. No new matter has been added. Applicants contend that claims 4-18 and 22-32 are patentable and in condition for allowance as discussed below.

I. Allowable Subject Matter

Applicants note with appreciation that the Examiner deems the subject matter of claims 4-18 and 22-32 as allowable in the Final Office Action dated 01/25/2007. Applicants respectfully submit that amended claims comply with all formal requirements indicated in the Final Office Action dated 01/25/2007, as further discussed below.

II. Claim Objections in Final Office Action dated 01/25/2007

Claims 15-18 are objected to because the preambles of claims 15 and 17 both recite an "electronic device" and "a device readable medium" followed by "the method." The Examiner asserts that while the claim limitations appear to be directed toward "a method," it is still unclear whether the Applicant intends to claim the "method" or the "electronic device"/"device readable medium," (Office Action, p. 2, § 5).

Applicants respectfully submit that claim 15 is a method claim. Applicants amend claim 15 to recite "a method implemented in an electronic device." Claim 16 depends from claim 15.

Applicants also submit that claim 17 is a medium claim. Applicants amend claim 17 to recite "a device readable medium holding device executable instructions for generating code" rather than "a device readable medium holding device executable instructions for performing a method for generating code." Claim 18 depends from claim 17.

Application No.: 10/622,211

Docket No.: MWS-055

In light of the amendments to claims 15 and 17, Applicants believe that the claim language clearly indicates that claim 15 is a method claim and that claim 17 is a medium claim. As such, Applicants respectfully request the Examiner to review and withdraw the objections to claims 15-18.

III. Rejections under 35 U.S.C. § 101

A. Final Office Action dated 01/25/2007

In the Final Office Action dated 01/25/2007, the Examiner states that claims 1-14, 19-32 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject-matter, (Office Action, p. 3, § 9).

The Examiner further states that the preambles of claims 1-14 recite both "a method" and "an electronic device." The Examiner asserts that it is unclear as to whether Applicant is actually claiming the "method" or "the electronic device," and therefore, whether the claims fall into the statutory category of "process" or "manufacture," (Office Action, p. 7, § 25). The Examiner also states that claims 4 and 7 "generate functions and code, but the generated functions and code are not output, stored, displayed and therefore, not applied to a real world application, they appear to stay embedded within the electronic device," (Office Action, p. 8, § 28).

1. Claims 4, 7 and 12

Applicants amend method claims 4, 7 and 12 to recite "a method implemented in an electronic device that provides a block diagram environment, the method comprising." Applicants believe that the amended language clearly indicates that claims 4, 7 and 12 are method claims, therefore claims 4, 7 and 12 fall into the statutory category of "process."

Applicants further amend claim 4 to recite "storing the first set of functions in a storage device" and "storing the second set of functions in the storage device"; claim 7 to recite "storing the grouped code in a storage device" and claim 12 to recite "storing each of the sets of code statements in a storage device." Applicants believe that the amendments address the Examiner's concern about the generated functions, code and code statements not being stored and the real world application of the claimed methods.

Application No.: 10/622,211

Docket No.: MWS-055

Accordingly, Applicants request the Examiner to review and withdraw the rejection of claims 4, 7 and 12 under 35 U.S.C. § 101.

Applicants note that the corresponding dependent claims also recite also recite statutory subject matter by way of their dependencies, respectively.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 5, 6, 8-11, 13 and 14 under U.S.C. § 101.

The Examiner states that the preambles of claims 19-32 recite both "a medium" and "a method." The Examiner asserts that it is unclear as to whether Applicant is actually claiming the "medium" or "the method," and therefore, whether the claims fall into the statutory category of "manufacture" or "method," (Office Action, p. 7, § 27).

2. Claims 22, 25 and 30

Applicants amend claim 22 to recite "a device readable medium holding device readable instructions, said medium comprising." Applicants amend claims 25 and 30 to recite "a device readable medium holding device executable instructions, said medium comprising." Applicants believe that the amended language clearly indicates that claims 22, 25 and 30 are medium claims, therefore claims 22, 25 and 30 fall into the statutory category of "manufacture."

Accordingly, Applicants request the Examiner review and withdraw the rejection of claims 22, 25 and 30 under 35 U.S.C. § 101.

Applicants note that the corresponding dependent claims also recite also recite statutory subject matter by way of their dependencies, respectively.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 23, 24, 26-29, 31 and 32 under U.S.C. § 101.

B. Advisory Action dated April 02, 2007

In the Advisory Action dated April 02, 2007, the Examiner states that Applicants' request for reconsideration filed on March 23, 2007 has been considered but it does not place the application in condition for allowance because the previous amendments to claims 22, 25 and 30

Application No.: 10/622,211

Docket No.: MWS-055

do not overcome the rejections under 35.U.S.C. § 101. The Examiner further states that the claims, in general, are directed to the generation of code, however, this code is not stored anywhere so that it can be put to use in a real-world application. The Examiner maintains the previous objection of claim 17 based on these reasons, (Advisory Action, p. 2, §11).

Applicants amend claim 17 to recite "instructions for storing the generated code in a storage device."

Applicants amend claim 22 to recite "instructions for storing the first set of functions in a storage device" and "instructions for storing the second set of functions in the storage device."

Applicants amend claim 25 to recite "instructions for storing the grouped code in a storage device."

Applicants amend claim 30 to recite "instructions for storing each of the sets of code statements in a storage device."

Applicants believe that the amendments address the Examiner's concern about the generated code and code statements not being stored and the real world application of the claimed mediums. Applicants respectfully submit that the amendments place the claims in better form for appeal.

Accordingly, Applicants request the Examiner to review and withdraw the rejection of claims 17, 22, 25, and 30 under 35 U.S.C. § 101.

IV. Rejections under 35.U.S.C. § 102(b) in Final Office Action dated 01/25/2007

Claims 1-3, 19-21 and 33-38 are rejected under 35 U.S.C. §102(b) as being anticipated by The Mathworks, Inc., ("Real Time Workshop For Use With Simulink", User's Guide, Version 3, January 1999). Applicants respectfully submit that claims 1-3, 19-21 and 33-38 are cancelled, hence the rejection of these claims is rendered moot.

JUN 25 2007

Application No.: 10/622,211

Docket No.: MWS-055

CONCLUSION

In view of the above comments, Applicants believe the pending application is in condition for allowance and urge the Examiner to pass the claims to allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. MWS-055. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: June 25, 2007

Respectfully submitted,

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